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666 Fifth Avenue
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In.re Application of
WEILER

Application No.: 09/202,969

PCT No.: PCT/DE97/01332

Int. Filing Date: 24 June 1997

Priority Date: 25 June 1996

For: PROCESS FOR COMBINING PARALLEL
OLIGONNUCLEOTIDE SYNTHESIS AND
PREPARATION OF OLIGOMER CHIPS

DECISION ON

PETITION

UNDER 37 CFR 1.137(b)

This is in response to the petition under 37 CFR 1.137(b) filed 21 September 1999, and to the Status Inquiries filed 11 January 2001 and 15 April 2002.

BACKGROUND

On 24 June 1997, applicant filed international application No. PCT/DE97/01332, designating the United States and claiming a priority date of 25 June 1996. A Demand was filed electing the United States was made prior to the expiration of 19 months from the priority date. Accordingly, the deadline for filing the national stage application expired as of midnight of 25 December 1998.

On 23 December 1998, applicant filed in the United States Patent and Trademark Office inter alia, a Transmittal Letter to enter the U.S. national stage. The submission was not accompanied the basic national fee, which resulted in abandonment of the application.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be filed promptly after applicant becomes aware of the abandonment and must be accompanied by: (1) the required reply, unless previously filed, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional and (4) a terminal disclaimer (for applications filed before 8 June 1995).

Items (1)-(2) are clearly satisfied.

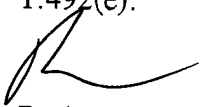
As to item (3), applicant's statement that the abandonment "was unintentional" has been construed to mean that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicants **MUST** immediately notify the PCT Legal Office of such fact.

As to item (4), a terminal disclaimer is not required in the present case.

CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the present application, including mailing a "Notification of Missing Requirements" (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and surcharge fee under 1.492(e).



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